- 11			
1	EDMUND G. BROWN JR.		
2	Attorney General of California ALFREDO TERRAZAS		
3	Senior Assistant Attorney General LINDA K. SCHNEIDER		
4	Supervising Deputy Attorney General State Bar No. 101336		
5	110 West "A" Street, Suite 1100 San Diego, CA 92101		
	P.O. Box 85266		
6	San Diego, CA 92186-5266 Telephone: (619) 645-3037		
7	Facsimile: (619) 645-2061 Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
1.1	In the Matter of the Accusation Against:	Case No. 2011-62	
12		Oubbarro, O	
13	CAMILLE E. DEPOY, RN aka CAMILLE EILEEN GOMEZ	ACCUSATION	
14	1310 Electric Avenue, Apt. B Seal Beach, CA 90740	ACCUSATION	
15	Registered Nurse License No. 443864		
16	Respondent.		
17			
18	Complainant alleges:		
19	PARTIES		
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
21	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Departmen		
22	of Consumer Affairs.		
23	2. On or about August 31, 1989, the Board of Registered Nursing issued Registered		
24	Nurse License Number 443864 to Camille E. Depoy, aka Camille Eileen Gomez (Respondent).		
25	The Registered Nurse License was in full force and effect at all times relevant to the charges		
26	brought herein and will expire on April 30, 2011, unless renewed.		
27	///		
28	///		
	11		

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) states:

(b) Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

STATUTORY PROVISIONS

7. Section 490 of the Code states that "[a] board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

/// ///

///

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

9. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

10. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

11. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a

2:5

COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(April 28, 2008, Criminal Conviction – Driving With Blood Alcohol Level of 0.08% or More, on February 15, 2008)

- 14. Respondent is subject to disciplinary action under Code sections 490 and 2761, subdivision (f), in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a registered nurse, as follows:
- a. On or about April 28, 2008, in the Superior Court of California, County of Sacramento, in *The People of the State of California v. Camille Eileen Depoy*, in Case No. 08T01516, Respondent was convicted, on her plea of no contest, of violating Vehicle Code section 23152(b) (Driving With Blood Alcohol Level of 0.08% Or More), a misdemeanor.
- b. The circumstances of the crime are that on or about February 15, 2008, Respondent was involved in a collision while driving her vehicle. When officers from the California Highway Patrol arrived at the accident scene, they determined that Respondent was under the influence of alcohol. Respondent was found to have a blood alcohol of .27/.26. Respondent was arrested and booked in the Sacramento County Jail.
- c. As a result of the above conviction, Respondent was placed on three (3) years summary probation, ordered serve 48 hours plus 2 days in the county jail, with two days credit for time served, and to complete a 9-month first offender program, with enrollment by May 27, 2008, and for which Respondent was permitted to enroll in the County of Orange. Respondent was also ordered to pay a \$100 fine.

///

1///

SECOND CAUSE FOR DISCIPLINE

(Use of Alcohol in a Manner Dangerous or Injurious to Self)

15. Respondent is subject to disciplinary action under Code sections 2761, subdivision (a), and 2762, subdivision (b), in that Respondent used alcohol to an extent or in a manner dangerous or injurious to herself and others, as is more fully set forth in paragraph 14, above, which is incorporated here by reference.

THIRD CAUSE FOR DISCIPLINE

(Conviction of Alcohol Related Crime)

16. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), and 2762, subdivision (c), in that Respondent was convicted of a criminal offense involving the consumption of alcohol, as is more fully set forth in paragraph 14, above, which is incorporated here by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 443864, issued to Camille
 Depoy, RN, aka Camille Eileen Gomez;
- 2. Ordering Camille E. Depoy, RN, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

DATED:	7/19/10	Foreige L. Lailer
		LOUISE R. BAILEY, M.ED., RN
	• •	Interim Executive Officer
		Board of Registered Nursing
•		Department of Consumer Affairs
•		State of California
		Complainant

SD2009800516 10590532.docx